

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 25<sup>th</sup> day of April, 2018.

In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of 2017 Green Tariff	)	
	)	<b><u>File No. ET-2018-0063</u></b>
	)	Tariff No. YE-2018-0064

**ORDER SETTING PROCEDURAL SCHEDULE AND OTHER  
PROCEDURAL REQUIREMENTS AND SUSPENDING TARIFF**

Issue Date: April 25, 2018

Effective Date: April 25, 2018

On November 27, 2017, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed an application requesting that the Missouri Public Service Commission approve a tariff authorizing the Renewable Choice Program, which is a new service in which qualifying customers can elect to participate in a subscription-based renewable energy program. Ameren Missouri filed tariff sheets to implement the Renewable Choice Program under Tariff Tracking No. YE-2018-0064, which have been suspended until May 25, 2018. On April 13, 2018, Ameren Missouri and other signatory parties filed a non-unanimous stipulation and agreement. On April 19, 2018, the Office of the Public Counsel (“OPC”) objected to the non-unanimous stipulation and agreement and requested a hearing. The Commission’s request for the parties to appear at a public agenda meeting to discuss the proposed program and non-unanimous stipulation and agreement was canceled in light of OPC’s timely objection to the stipulation and agreement.

On April 19, 2018, Ameren Missouri, on behalf of itself and all other parties (collectively, “Parties”), filed a proposed procedural schedule. The Commission will adopt

the proposed procedural schedule and will order additional procedural requirements. To ensure that discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2016, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes and to rule on all motions to compel discovery. To provide sufficient time for the Commission to conduct a hearing and consider the tariff filing, the Commission will further suspend the effective date of the tariff.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Date</b>	<b>Event</b>
April 27, 2018	Supplemental direct testimony
May 18, 2018	Rebuttal testimony
June 8, 2018	Surrebuttal/cross-surrebuttal testimony
June 13, 2018	Joint list of issues, list and order of witnesses, order of parties for cross-examination, order of opening statements
June 15, 2018	Last day to issue discovery requests, subpoenas, or take depositions
June 20, 2018	Position statements
June 26-27, 2018	Evidentiary hearing
July 13, 2018	Initial briefs
July 25, 2018	Reply briefs

2. The evidentiary hearing is scheduled for June 26-27, 2018, beginning at 9:00 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission’s Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The Parties shall comply with the following additional procedural requirements:

- A. Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- B. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff, Ameren Missouri may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. Ameren Missouri shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage.
- C. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- D. Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- E. The response time for all data requests shall be ten (10) business days, with five (5) business days to object or notify the requesting party that more than ten (10) business days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be timely responded

to, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses will not be needed for Ameren Missouri's data request responses posted on Ameren Missouri's Caseworks Extranet site).

- F. The Parties shall comply with the following provisions regarding discovery:
- (1) A party with an unresolved discovery dispute may file a motion to request a discovery conference. Discovery conferences shall be scheduled by order of the presiding officer with one week's prior notice to all parties.
  - (2) Discovery conferences will be held in Room 305 at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri. Each discovery conference will begin at 10:00 a.m.
  - (3) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.
  - (4) Discovery conferences shall be on the record and shall be transcribed by a court reporter.
  - (5) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
  - (6) Commission Rule 4 CSR 240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
  - (7) All motions to compel a response to any discovery request related to the case shall be filed no later than June 22, 2018.
  - (8) The Parties shall make an effort to not include confidential information in data request questions and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately

designated as such pursuant to 4 CSR 240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

- (9) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party’s employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of Ameren Missouri data request responses, Ameren Missouri shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues, Ameren Missouri shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.
- G. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- H. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list. The Commission will view any issue not

contained in this list of issues as uncontested and not requiring resolution by the Commission.

- I. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under that law with citations to any pre-filed testimony in support.
- J. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.
- K. If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- L. Exhibit numbers are assigned in the following manner:

Ameren Missouri	1-99
Commission Staff	100-199
Office of the Public Counsel	200-299
Mo. Div. of Energy	300-349
Missouri Industrial Energy Consumers	350-399
Renew Missouri	400-449
Sierra Club	450-499
Natural Resources Defense Council	500-549
Wind on the Wires	550-599
Walmart Stores, Inc.	600-649
KCP&L/GMO	650-699

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Ameren Missouri has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

- M. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the

regulatory law judge no later than June 22, 2018. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

4. The tariff submitted under Tariff File No. YE-2018-0064 by Union Electric Company d/b/a Ameren Missouri, effective on May 25, 2018, is further suspended until September 30, 2018.

5. The specific tariff sheets suspended are:

**MO. P.S.C. Schedule No. 6**

Original Sheet No. 164.1 through Original Sheet No. 164.14

6. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Hall, Chm., Kenney, Rupp, and  
Silvey, CC., concur.  
Coleman, C., absent.

Bushmann, Senior Regulatory Law Judge

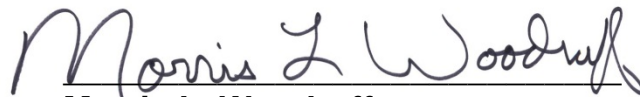
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 25<sup>th</sup> day of April 2018.**



  
**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**April 25, 2018**

**File/Case No. ET-2018-0063**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

  
**Morris L. Woodruff**  
**Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.